

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>NICHOLAS CAROSIELLO,</b>	)	<b>CASE NO. 4:19CV409</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>vs.</b>	)	
	)	
<b>BRANDESHAWN HARRIS, Warden,</b>	)	<b>MEMORANDUM OF</b>
	)	<b>OPINION AND ORDER</b>
<b>Respondent.</b>	)	

**CHRISTOPHER A. BOYKO, J.:**

This matter is before on the court on Magistrate Judge James R. Knepp II's Report and Recommendation (Doc. 23) to grant Petitioner Nicholas Carosiello's Motion to Dismiss without prejudice (Doc. 20) and dismiss the Amended Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 8-1) without prejudice. Objections to the Report and Recommendation were due by October 11, 2019. Respondent Brandeshawn Harris has not filed an objection to the Report and Recommendation.

Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. Fed. R. Civ. P. 72(b)(2). Respondent has failed to timely file any such objection. Therefore, the Court must assume that Respondent is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge; **GRANTS** Petitioner's Motion to Dismiss and **DISMISSES** Petitioner's Amended Petition without prejudice.

**IT IS SO ORDERED.**

s/ Christopher A. Boyko  
**CHRISTOPHER A. BOYKO**  
United States District Judge

**Dated: November 12, 2019**